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Attorneys for Plaintiff The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-3

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-3,

Plaintiff,

vs.

CASTLE BAY SHORE VILLAGE OF LOS
PRADOS HOMEOWNERS ASSOCIATION
A/K/A CASTLE BAY SHORE COMMUNITY
ASSOCIATION, INC.; NEVADA
ASSOCIATION SERVICES, INC.; AND
NEVADA NEW BUILDS, LLC,

Defendants.

NEVADA NEW BUILDS, LLC,

Counterclaimant,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-3,

Counterdefendant.

Case No.: 2:16-cv-00416-JCM-GWF

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST**

1 Plaintiff The Bank of New York Mellon f/k/a the Bank of New York, as Trustee for the
2 Certificateholders CWALT, Inc., Alternative Loan Trust 2006--6CB, Mortgage Pass-Through
3 Certificates, Series 2006-6CB (**BNY Mellon**) and defendants Castle Bay Shore Village of Los
4 Prados Homeowners Association (**Castle Bay**), Nevada New Builds, LLC (**NNB**), and Nevada
5 Association Services, Inc., (**NAS**), through their counsel of record, stipulate as follows:

6 1. This matter relates to real property located 4913 Ocean Shores Way, Las Vegas,
7 Nevada, APN 125-36-411-078 (the **Property**). The Property is more specifically described as:

8 Parcel I:

9 Lot Ten (10) in Block Six (6) of LOS PRADOS PHASE 1-UNIT 1, as shown on the
10 map thereof on file in Book 34 of Plats, page 1 in the Office of the County Recorder
11 of Clark County, Nevada and as amended by Certificate of Amendment Recorded
12 February 12, 1986 in Book 860212 of Official Records as Document No. 00507.

13 Parcel II:

14 A non-exclusive easement for the benefit of and appurtenant to the above described
15 lots for ingress, egress, and utility purposes over all streets and roadways as shown by
16 the map thereof in Book 34 of Plats, page 1, in the Office of the County Recorder of
17 Clark County, Nevada.

18 2. BNY Mellon the beneficiary of record of a Deed of Trust that encumbers the Property
19 and was recorded on March 4, 2005, as Document Number 20050304-0000988, in the Official
20 Records of Clark County, Nevada (the **Deed of Trust**).

21 3. On September 16, 2013, Castle Bay recorded a Foreclosure Deed as Document
22 Number 201309160002024 of the Official Records of Clark County, Nevada (the **HOA Foreclosure**
23 **Deed**), reflecting that NNB purchased the Property at Castle Bay's foreclosure sale of the Property
24 conducted on September 13, 2013 (the **HOA Sale**). NNB has not transferred its interest in the
25 Property and is still the title holder of record.

26 4. On February 29, 2016, BNY Mellon initiated a quiet title action against NNB, Castle
27 Bay, and NAS in the United States District Court, District of Nevada, Case No. 2:16-cv-00416-JCM-
28 GWE (the **Quiet Title Action**).

5. BNY Mellon, Castle Bay, NNB, and NAS have entered a confidential settlement
agreement in which they have settled all claims between them in this case. This stipulation and

order applies to the matters addressed in this particular case only and has no relevance to any other matter.

6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale. The Deed of Trust remains a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed, and NNB's interest in the Property is subject to the Deed of Trust.

WILSON ELSE MOSKOWITZ EDELMAN & DICKER LLP <u>/s/ I-Che Lai</u> JORGE A. RAMIREZ, ESQ. Nevada Bar No. 6787 I-CHE LAI, ESQ. Nevada Bar No. 12247 300 South Fourth Street, 11 th Floor Las Vegas, NV 89101 <i>Attorneys for Defendant Castle Bay Shore Village of Los Prados Homeowners Association</i>	AKERMAN LLP <u>/s/ Tenesa S. Powell</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 TENESA S. POWELL, ESQ. Nevada Bar No. 12488 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for Plaintiff Bank of New York Mellon</i>
HONG & HONG <u>/s/ Joseph Y. Hong</u> JOSEPH Y. HONG, ESQ. Nevada Bar No. 5995 10781 West Twain Avenue Las Vegas, NV 89135 <i>Attorneys for Defendant Nevada New Builds, LLC</i>	NEVADA ASSOCIATION SERVICES, INC. <u>/s/ Brandon Wood</u> BRANDON WOOD, ESQ. Nevada Bar No. 6224 West Desert Inn Road Las Vegas, Nevada 89146 <i>Attorneys for Defendant Nevada Association Services, Inc.</i>

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ORDER

Based on the above stipulation between Plaintiff The Bank of New York Mellon f/k/a the Bank of New York, as Trustee for the Certificateholders CWALT, Inc., Alternative Loan Trust 2006--6CB, Mortgage Pass-Through Certificates, Series 2006-6CB (**BNY Mellon**) and defendants Castle Bay Shore Village of Los Prados Homeowners Association (**Castle Bay**), Nevada New Builds, LLC (**NNB**), and Nevada Association Services, Inc., (**NAS**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located 4913 Ocean Shores Way, Las Vegas, Nevada, APN 125-36-411-078 (the **Property**) on March 4, 2005, as Document Number 20050304-0000988, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Castle Bay on September 13, 2013 or the recording of the HOA Foreclosure Deed in the Official Records of Clark County, Nevada, on September 16, 2013, as Document Number 201309160002024, reflecting that NNB purchased the Property at the foreclosure sale. NNB's ownership interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that BNY Mellon shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

DATED December 7, 2018.


UNITED STATES DISTRICT JUDGE